

AGRICULTURAL ADVISORY BOARD AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill modifies provisions related to the Agricultural Advisory Board.

Highlighted Provisions:

This bill:

- ▶ addresses membership of the Agricultural Advisory Board;
- ▶ changes frequency of meetings of the Agricultural Advisory Board;
- ▶ modifies the duties of the Agricultural Advisory Board;
- ▶ creates an executive committee of the Agricultural Advisory Board, including addressing membership, terms, quorum, chair, and duties;
- ▶ transfers certain duties of the Agricultural Advisory Board to the executive committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-2-108, as last amended by Laws of Utah 2018, Chapter 132

4-2-502, as last amended by Laws of Utah 2017, Chapter 345

4-2-503, as last amended by Laws of Utah 2017, Chapter 345

4-2-504, as last amended by Laws of Utah 2017, Chapter 345

30 4-17-104, as renumbered and amended by Laws of Utah 2017, Chapter 345

31 4-19-104, as renumbered and amended by Laws of Utah 2017, Chapter 345

32 73-20-2, as last amended by Laws of Utah 2017, Chapter 345

33 73-20-4, as enacted by Laws of Utah 1977, First Special Session, Chapter 6

34 73-20-5, as enacted by Laws of Utah 1977, First Special Session, Chapter 6

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36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section 4-2-108 is amended to read:

38 **4-2-108. Agricultural Advisory Board created -- Composition -- Responsibility --**
39 **Terms of office -- Compensation -- Executive committee.**

40 ~~[(1) There is created the Agricultural Advisory Board composed of 21 members, with~~
41 ~~each member representing one of the following:]~~

42 ~~[(a) Utah Farm Bureau Federation;]~~

43 ~~[(b) Utah Farmers Union;]~~

44 ~~[(c) Utah Cattlemen's Association;]~~

45 ~~[(d) Utah Wool Growers Association;]~~

46 ~~[(e) Utah Dairymen's Association;]~~

47 ~~[(f) Utah Pork Producers Association;]~~

48 ~~[(g) egg and poultry producers;]~~

49 ~~[(h) Utah Veterinary Medical Association;]~~

50 ~~[(i) Livestock Auction Marketing Association;]~~

51 ~~[(j) Utah Association of Conservation Districts;]~~

52 ~~[(k) the Utah horse industry;]~~

53 ~~[(l) the food processing industry;]~~

54 ~~[(m) the fruit and vegetable industry;]~~

55 ~~[(n) the turkey industry;]~~

56 ~~[(o) manufacturers of food supplements;]~~

57 ~~[(p) a consumer affairs group;]~~

~~[(q) dean of the College of Agriculture and Applied Science and vice president of extension from Utah State University;]~~

~~[(r) urban and small farmers;]~~

~~[(s) Utah Elk Breeders Association;]~~

~~[(t) Utah Beekeepers Association; and]~~

~~[(u) Utah Fur Breeders Association.]~~

(1) There is created the Agricultural Advisory Board composed of the following 21 members:

(a) the dean of the College of Agriculture and Applied Science from Utah State University; and

(b) the following appointed by commissioner:

(i) two representatives of associations representing interests of farmers, selected from a list of nominees submitted by at least two associations representing farmers;

(ii) a representative of an association representing cattlemen, selected from a list of nominees submitted by at least one association representing cattlemen;

(iii) one representative of an association representing wool growers, selected from a list of nominees submitted by at least one association representing wool growers;

(iv) one representative of an association representing dairies, selected from a list of nominees submitted by at least one association representing dairies;

(v) one representative of an association representing pork producers, selected from a list of nominees submitted by at least one association representing pork producers;

(vi) one representative of egg and poultry producers;

(vii) one representative of an association representing veterinarians, selected from a list of nominees submitted by at least one association representing veterinarians;

(viii) one representative of an association representing livestock auctions, selected from a list of nominees submitted by at least one association representing livestock auctions;

(ix) one representative of an association representing conservation districts, selected from a list of nominees submitted by at least one association representing conservation

86 districts;

87 (x) one representative of the Utah horse industry;

88 (xi) one representative of the food processing industry;

89 (xii) one representative of the fruit and vegetable industry;

90 (xiii) one representative of the turkey industry;

91 (xiv) one representative of manufacturers of food supplements;

92 (xv) one representative of a consumer affairs group;

93 (xvi) one representative of urban and small farmers;

94 (xvii) one representative of an association representing elk breeders, selected from a
95 list of nominees submitted by at least one association representing elk breeders;

96 (xviii) one representative of an association representing beekeepers, selected from a list
97 of nominees submitted by at least one association representing beekeepers; and

98 (xix) one representative of fur breeders, selected from a list of nominees submitted by
99 at least one association representing fur breeders.

100 (2) The Agricultural Advisory Board shall:

101 (a) advise the commissioner regarding:

102 (i) the planning, implementation, and administration of the department's programs; and

103 (ii) the establishment of standards governing the care of livestock and poultry,

104 including consideration of:

105 (A) food safety;

106 (B) local availability and affordability of food; and

107 (C) acceptable practices for livestock and farm management; and

108 ~~[(b) fulfill the duties described in Title 4, Chapter 2, Part 5, Horse Tripping Awareness;~~
109 ~~and]~~

110 ~~[(c)]~~ (b) adopt best management practices for sheep, swine, cattle, and poultry
111 industries in the state.

112 (3) The Agricultural Advisory Board may adopt best management practices for
113 domesticated elk, mink, apiaries, and other agricultural industries in the state.

(4) For purposes of this section, "best management practices" means practices used by agriculture in the production of food and fiber that are commonly accepted practices, or that are at least as effective as commonly accepted practices, and that:

- (a) protect the environment;
- (b) protect human health; and
- (c) promote the financial viability of agricultural production.

(5) (a) Except as required by Subsection (1)(a) or (5)(c)(b), members of the Agricultural Advisory Board are appointed by the commissioner to four-year terms of office.

~~[(b) The commissioner shall appoint representatives of the organizations cited in Subsections (1)(a) through (h) to the Agricultural Advisory Board from a list of nominees submitted by each organization.]~~

~~[(c)]~~ (b) Notwithstanding the requirements of Subsection (5)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

~~[(d) Members]~~ (c) A member may be removed at the discretion of the commissioner upon the request of the group ~~[they represent]~~ the member represents.

~~[(e)]~~ (d) When a vacancy occurs in the membership for any reason, the ~~[replacement shall be appointed]~~ commissioner shall appoint a replacement for the unexpired term.

(6) The ~~[board]~~ Agricultural Advisory Board shall elect one member to serve as chair of the Agricultural Advisory Board for a term of one year.

(7) (a) The ~~[board]~~ Agricultural Advisory Board shall meet ~~[four times annually]~~ twice a year, but may meet more often at the discretion of the chair.

(b) Attendance of 11 members at a duly called meeting of the Agricultural Advisory Board constitutes a quorum for the transaction of official business.

(8) A member of the Agricultural Advisory Board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) (a) There is created an executive committee of the Agricultural Advisory Board consisting of the following seven members selected from members of the Agricultural Advisory Board:

(i) the two representatives appointed under Subsection (1)(b)(i);
(ii) the representative appointed under Subsection (1)(b)(ix); and
(iii) four members selected from the Agricultural Advisory Board as follows:
(A) for the initial members of the executive committee, by the commissioner; and
(B) after the initial members of the executive committee are selected, by the executive committee.

(b) (i) A member of the executive committee shall serve a term of four years on the executive committee.

(ii) A member of the executive committee may serve for more than one term on the executive committee.

(iii) When a vacancy occurs in the membership of the executive committee for any reason, the replacement shall be selected in the same manner as under Subsection (9)(a) and for the unexpired term.

(c) Four members of the executive committee constitute a quorum and an action of the majority present when a quorum is present is action by the executive committee.

(d) The executive committee shall annually select a chair of the executive committee.

(e) The executive committee shall meet at least quarterly, except that the chair of the executive committee may call the executive committee for additional meetings.

(f) The executive committee shall:

(i) recommend to the department fees to be imposed under this title;

(ii) accept public comment received under this title; and

(iii) carry out the responsibilities assigned to the executive committee by statute.

Section 2. Section **4-2-502** is amended to read:

4-2-502. Definitions.

As used in this part:

(1) "Board executive committee" means the executive committee of the Agricultural Advisory Board created in Section **4-2-108**.

(2) "Horse event" means an event in which horses are roped or tripped for the purpose of a specific event or contest.

(3) (a) "Horse tripping" means the lassoing or roping of the legs of an equine, or otherwise tripping or causing an equine to fall by any means, for the purpose of entertainment, sport, or contest, or practice for entertainment, sport, or contest.

(b) "Horse tripping" does not include accepted animal husbandry practices, customary farming practices, or commonly accepted practices occurring in conjunction with a sanctioned rodeo, animal race, or pulling contest.

Section 3. Section **4-2-503** is amended to read:

4-2-503. Event reporting requirements.

(1) The owner of a venue holding a horse event shall:

(a) at least 30 days before the day on which the horse event is to be held, notify the board executive committee of the date, time, and name of the horse event; and

(b) no later than 30 days after the day on which the horse event is held, notify the board executive committee of:

(i) the number and type of competitions held at the horse event;

(ii) the number of horses used;

(iii) whether horse tripping occurred, and if so how many horses were used in horse tripping and how many times each horse was tripped; and

(iv) whether a veterinarian was called during the horse event, and if so:

(A) the name and contact information of the veterinarian;

(B) the outcome of the veterinarian's examination of a horse; and

(C) ~~all~~ the veterinarian charges incurred.

(2) (a) The department shall compile ~~all~~ the reports received pursuant to Subsection (1) and provide the information to the board executive committee.

(b) The board executive committee shall, at a meeting described in Subsection ~~4-2-108(5)(a)~~ 4-2-108(9):

(i) review the information described in Subsection (2)(a); and

(ii) if necessary, make recommendations for rules or legislation designed to prohibit horse tripping.

(3) The department shall fine the owner of a venue that fails to fulfill the duties described in Subsection (1) \$500 per violation.

(4) The department, in consultation with the board executive committee, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to enforce this part.

Section 4. Section ~~4-2-504~~ is amended to read:

4-2-504. Horse tripping education -- Reporting requirements.

The department, in conjunction with the board executive committee, shall:

(1) send a letter, annually, to venues that host horse events:

(a) outlining the reporting requirements of Section ~~4-2-503~~; and

(b) providing educational information on the negative effects of horse tripping; and

(2) promote, as funding allows, policies regarding the safety and welfare of horses involved in horse events, such as horse roping and horse tripping.

Section 5. Section ~~4-17-104~~ is amended to read:

4-17-104. Creation of State Weed Committee -- Membership -- Powers and duties -- Expenses.

(1) There is created a State Weed Committee composed of eight members, with each member representing one of the following:

(a) the Department of Agriculture and Food;

(b) the Department of Natural Resources;

- (c) the Utah State University Agricultural Experiment Station;
- (d) the Utah State University Extension Service;
- (e) the Utah Association of Counties;
- (f) private agricultural industry;
- (g) the Utah Weed Control Association; and
- (h) the Utah Weed Supervisors Association.

(2) The commissioner shall select the members of the committee from those nominated by each of the respective groups or agencies following approval by the executive committee of the Agricultural Advisory Board.

(3) (a) Except as required by Subsection (3)(b), as terms of current committee members expire, the commissioner shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(4) (a) Members may be removed by the commissioner for cause.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) The State Weed Committee shall:

(a) confer and advise on matters pertaining to the planning, implementation, and administration of the state noxious weed program;

(b) recommend names for membership on the committee; and

(c) serve as members of the executive committee of the Utah Weed Control Association.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 6. Section 4-19-104 is amended to read:

4-19-104. Loans -- Not to exceed period of 10 years -- Agricultural Advisory Board executive committee to approve loans and renewals, methods of payments, and interest rates -- Guidelines in fixing interest rates declared.

(1) The department may not make a loan authorized under this chapter for a period to exceed 10 years, but the loan is renewable.

(2) Except as provided in Subsection (5), the Agricultural Advisory Board executive committee created in Section 4-2-108 shall approve:

(a) [aH] loans and renewals;

(b) the methods of repayment; and

(c) the interest rates charged.

(3) In fixing interest rates, the Agricultural Advisory Board executive committee shall consider:

(a) the current applicable interest rate or rates being charged by the USDA Farm Service Agency on similar loans;

(b) the current prime rate charged by leading lending institutions; and

(c) any other pertinent economic data.

(4) The interest rates established shall be compatible with guidelines stated in this section.

(5) The Agricultural Advisory Board executive committee may create a subcommittee from the [board's] Agricultural Advisory Board membership to approve a loan or renewal under this section.

Section 7. Section 73-20-2 is amended to read:

73-20-2. Definitions.

As used in this chapter:

(1) "Advisory board executive committee" means the executive committee of the Agricultural Advisory Board created by Section 4-2-108.

(2) "Basic livestock" means a herd of cattle, sheep, or swine kept and maintained primarily for breeding purposes.

(3) "Board" means the Board of Water Resources created by Section 73-10-1.5.

(4) "Commercial farm" means a tract or tracts of land with or without improvements recognized as a farm or ranch in this state which is owned and operated or leased and operated by the applicant, and used in the production and raising of basic livestock.

(5) "Farmer" means any person who owns and operates or leases and operates a commercial farm in this state, and includes individuals, partnerships and corporations.

Section 8. Section 73-20-4 is amended to read:

73-20-4. Qualification for financial assistance.

To qualify for financial assistance under this act the farmer shall:

(1) make written original application to the advisory board executive committee and to the board on forms prescribed by the board in conjunction with the advisory board executive committee;

(2) own or hold under lease a commercial farm which contributed more than one-half of the farmer's or rancher's gross income from all income sources for the taxable year 1976; and

(3) comply with any condition imposed by the board for financial assistance pursuant to authority granted the board under Section 73-20-3.

Section 9. Section 73-20-5 is amended to read:

73-20-5. Consultation with the executive committee of the Agricultural Advisory Board.

The board, before making any expenditure of emergency funds appropriated under this [act] chapter, shall consult with and receive the advice of the advisory board executive committee with respect to the demonstrated need for financial assistance in the form of the development of a water resource.